

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-02048-TSC**

SMITH v. U.S. NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION

Assigned to: Judge Tanya S. Chutkan

Case: 1:17-cv-01796-TSC

Cause: 05:552 Freedom of Information Act

**Plaintiff**

**GRANT F. SMITH**

Date Filed: 08/31/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by **GRANT F. SMITH**  
IRmep  
P.O. Box 32041  
Washington, DC 20007  
202-342-7325  
Email: [gsmith@IRmep.org](mailto:gsmith@IRmep.org)  
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V.

**Defendant**

**U.S. NATIONAL ARCHIVES AND  
RECORDS ADMINISTRATION**

represented by **Rebecca Marie Cutri-Kohart**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, DC 20005  
(202) 514-0265  
Fax: (202) 616-8460  
Email: [rebecca.cutri-kohart@usdoj.gov](mailto:rebecca.cutri-kohart@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Fraser Knapp**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
1100 L Street NW  
Washington, DC 20005  
(202) 305-8613  
Fax: (202) 616-8470  
Email: [Michael.Knapp@usdoj.gov](mailto:Michael.Knapp@usdoj.gov)  
**TERMINATED: 06/21/2019**

**Scott Leeson Sroka**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-7113  
Fax: (202) 252-2599  
Email: [scott.sroka@usdoj.gov](mailto:scott.sroka@usdoj.gov)  
**TERMINATED: 10/05/2018**

Date Filed	#	Docket Text
08/31/2018	<u>1</u>	COMPLAINT against U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ( Filing fee \$ 400, receipt number 4616094352) filed by GRANT F. SMITH. (Attachments: # <u>1</u> Civil Cover Sheet)(ztd) (Entered: 09/06/2018)

08/31/2018	<u>2</u>	NOTICE OF RELATED CASE by GRANT F. SMITH. Case related to Case No. 17CV1796. (ztd) (Entered: 09/06/2018)
08/31/2018	<u>3</u>	MOTION for Permission to Use Post Office Box by GRANT F. SMITH (ztd) (Entered: 09/06/2018)
08/31/2018		SUMMONS (3) Issued Electronically as to U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. Attorney and U.S. Attorney General (ztd) (Entered: 09/06/2018)
09/13/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/10/2018. ( Answer due for ALL FEDERAL DEFENDANTS by 10/10/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/11/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION served on 9/10/2018 (ztd) (Entered: 09/14/2018)
09/13/2018	<u>5</u>	MOTION for CM/ECF Password by GRANT F. SMITH (ztd) (Entered: 09/14/2018)
09/18/2018		MINUTE ORDER: Granting <u>3</u> Motion for Permission to Use Post Office Box; Granting <u>5</u> Motion for CM/ECF Password. Signed by Judge Tanya S. Chutkan on 9/18/18. (DJS) (Entered: 09/18/2018)
09/27/2018	<u>6</u>	NOTICE of Appearance by Scott Leeson Sroka on behalf of All Defendants (Sroka, Scott) (Entered: 09/27/2018)
10/05/2018	<u>7</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Michael Fraser Knapp on behalf of All Defendants Substituting for attorney Scott Leeson Sroka (Knapp, Michael) (Entered: 10/05/2018)
10/10/2018	<u>8</u>	ANSWER to <u>1</u> Complaint by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.(Knapp, Michael) (Entered: 10/10/2018)
10/10/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order no later than 11/12/18. Signed by Judge Tanya S. Chutkan on 10/10/18. (DJS) (Entered: 10/10/2018)
10/12/2018		Set/Reset Deadlines: Joint Status Report due by 11/12/2018. (tb) (Entered: 10/12/2018)
11/12/2018	<u>9</u>	Joint STATUS REPORT by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Knapp, Michael) (Entered: 11/12/2018)
11/20/2018		MINUTE ORDER: Having considered the parties' November 12, 2018 joint status report <u>9</u> , it is hereby ordered that the parties shall adhere to the following briefing schedule: Defendant's Motion for Summary Judgment shall be filed on or before December 20, 2018; Plaintiff's Opposition and Combined Cross-Motion for Summary Judgment shall be filed on or before January 17, 2019; Defendant's Reply and Combined Opposition shall be filed on or before January 30, 2019; and Plaintiff's Reply shall be filed on or before February 28, 2019. Signed by Judge Tanya S. Chutkan on 11/20/2018. (lctsc1) (Entered: 11/20/2018)
11/20/2018		Set/Reset Deadlines: Cross Motion due by 1/17/2019. Response to Cross Motion due by 1/30/2019. Reply to Cross Motion due by 2/28/2019. Summary Judgment motion due by 12/20/2018. Response to Motion for Summary Judgment due by 1/17/2018. Reply to Motion for Summary Judgment due by 1/30/2019. (tb) (Entered: 11/20/2018)

12/20/2018	<u>10</u>	MOTION for Summary Judgment by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1 – Declaration of John Laster, # <u>3</u> Exhibit 2 – Declaration of John Fitzpatrick, # <u>4</u> Statement of Facts, # <u>5</u> Text of Proposed Order)(Knapp, Michael) (Entered: 12/20/2018)
01/17/2019	<u>11</u>	RESPONSE re <u>10</u> MOTION for Summary Judgment filed by GRANT F. SMITH. (Attachments: # <u>1</u> Memorandum in Support of Cross Motion for Summary Judgement, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order, # <u>4</u> Appendix Cover index, # <u>5</u> Exhibit National Security Council Files, box 612, Israeli Nuclear Program, # <u>6</u> Exhibit Congress Letter on AECA waivers, # <u>7</u> Exhibit NARA release of GWB records)(SMITH, GRANT) (Entered: 01/17/2019)
01/17/2019	13	Cross MOTION for Summary Judgment by GRANT F. SMITH. (See Docket Entry <u>11</u> to view document) (jf) (Entered: 01/24/2019)
01/18/2019	<u>12</u>	WITHDRAWN PURSUANT TO NOTICE FILED 1/28/2019..... MOTION to Stay by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Knapp, Michael) Modified on 1/29/2019 (znmw). (Entered: 01/18/2019)
01/28/2019	<u>14</u>	MOTION to Expedite, MOTION for Extension of Time to File Response/Reply as to 13 MOTION for Summary Judgment by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Knapp, Michael) (Entered: 01/28/2019)
01/28/2019	15	NOTICE OF WITHDRAWAL OF MOTION by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION re <u>12</u> MOTION to Stay . (See Docket Entry <u>14</u> to view document). (znmw) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER: granting <u>14</u> Motion for Extension of Time to File Response/Reply. Granting <u>14</u> Motion to Expedite. Defendant shall file its reply brief in support of its motion for summary judgment and its opposition to Plaintiff's cross motion for summary judgment on or before February 6, 2019. Signed by Judge Tanya S. Chutkan on 1/30/19. (DJS) (Entered: 01/30/2019)
02/06/2019	<u>16</u>	REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Exhibit A – President Bush ltr to Archivist, # <u>2</u> Exhibit B – NARA Directive Part 9)(Knapp, Michael) (Entered: 02/06/2019)
02/06/2019	<u>17</u>	Memorandum in opposition to re 13 MOTION for Summary Judgment filed by U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Exhibit A – President Bush ltr to Archivist, # <u>2</u> Exhibit B – NARA Directive Part 9, # <u>3</u> Statement of Facts in Dispute, # <u>4</u> Text of Proposed Order)(Knapp, Michael) (Entered: 02/06/2019)
02/28/2019	<u>18</u>	Memorandum in opposition to re <u>10</u> MOTION for Summary Judgment filed by GRANT F. SMITH. (Attachments: # <u>1</u> Appendix List of Exhibits, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C)(SMITH, GRANT) (Entered: 02/28/2019)
02/28/2019	19	REPLY to opposition to motion re 13 MOTION for Summary Judgment filed by GRANT F. SMITH; (See docket entry no. <u>18</u> to view.) (ztd) (Entered: 02/28/2019)
06/21/2019	<u>20</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Rebecca Marie Cutri-Kohart on behalf of All Defendants Substituting for attorney Michael F. Knapp (Cutri-Kohart, Rebecca) (Entered: 06/21/2019)
11/27/2019	<u>21</u>	MEMORANDUM AND OPINION re <u>10</u> Defendant's motion for summary judgment and 13 Plaintiff's cross-motion for summary judgment. Signed by Judge Tanya S. Chutkan on 11/27/2019. (lcsd) (Entered: 11/27/2019)
11/27/2019	<u>22</u>	ORDER granting <u>10</u> Defendant's motion for summary judgment and denying 13 Plaintiff's cross-motion for summary judgment. Signed by Judge Tanya S. Chutkan on 11/27/2019. (lcsd) (Entered: 11/27/2019)